

REMARKS

Claims 1 - 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thaik (U.S. Pat. No. 5,285,116) in view of McClure (U.S. Pat. No. 5,619,456). The Examiner has acknowledged the shortcomings of Thaik in the statement that "Thaik does not disclose that the data signal for the second data path is a delayed version of said signal carried by said first data path." To overcome that shortcoming, the Examiner cites McClure. As set forth in the Office action:

McClure, for example in Figs. 2 and 6D, discloses a first data path for carrying a data signal (RBT 93) and a second data path for carrying a delayed version of said signal (RCBC 91, which is an inverted version or a complement of RBT; i.e. a delayed version of RBT, delayed by 180 degrees).

The Examiner indicates that the two signals RBT 93 and RBT 91 are complements of one another. The Examiner then equates "complement" to "a delayed version of RBT, delayed by 180 degrees". While it is true that complementary signals are separated by 180°, that does not mean that one signal has been delayed to produce its complement. Certainly, one of ordinary skill in the art, upon examining Fig. 4 of McClure, would understand that the signals BL and BLC are being read simultaneously from the cell and that the signal BL was not being delayed to produce the signal BLC. However, to avoid any ambiguity, claim 1 has been amended to make it clear that the delayed data signal is not delayed by 180°. Support for that limitation can be found in paragraph 45 which states, with reference to FIG 6, that "all four transistors 106, 108, 110 and 112 may be on". Clearly, that would not be possible if q and q' were 180° out of phase.

Applicant also notes that the two data paths may be used to strengthen one side of the drive path. See, for example, FIG. 2 in which the signals q and ql are used in all the paths to pull the pad down to ground potential. For those reasons, applicant believes that claim 1 is in condition for allowance over the combination of Thaik and McClure.

The remaining independent claims have been similarly amended such that it is applicant's position that claims 1 - 9 are now in condition for allowance over the combination of Thaik and McClure.

The double patenting rejection is improper on its face and must be withdrawn. Double patenting results when the right to exclude granted by a first patent is unjustly extended by the grant of a later issued patent or patents. Before consideration can be given to the issue of double patenting, there must be some common relationship of inventorship of two or more applications.

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Amdt. Dated: 28 December 2005
Reply to Office Action of 29 September 2005

The Office has not shown any common relationship of inventorship between the instant application, U.S. Patent No. 6,885,592 and McClure (U.S. Patent No. 5,619,456). See MPEP section 804. In the absence of some common relationship of inventorship, the double patenting rejection must be withdrawn.

Applicant encloses herewith a Form PTO/SB/08A together with the fee required under 1.17(p).

Applicant has made a diligent effort to place the instant application in condition for allowance. Accordingly, a Notice of Allowance for claims 1 – 9 is earnestly requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than by allowance, the Examiner is respectfully requested to contact applicant's attorney at the phone number listed below so that additional changes to the claims may be discussed.

Respectfully submitted,



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